

House Bill 471
March 3, 2011
Presented by Bob Lane
Senate Fish and Game Committee

Mr. Chairman and committee members, I am Bob Lane, Chief Legal Counsel for the Montana Department of Fish, Wildlife & Parks (FWP). FWP opposes House Bill 471.

HB471 sets in statute an objective of a maximum of 15 breeding pairs of wolves in the state. Trying to mandate a hard number of the maximum allowed of any species makes no sense for the management, particularly the adaptive management, of any species. This is especially true for the gray wolf in Montana because a maximum of 15 breeding pairs will be difficult to achieve, will unlikely be the right number anyway, and will jeopardize Montana's decade long commitment to finally achieving state management of gray wolves.

Fifteen breeding pairs is currently the minimum number in Montana's wolf management plan to have a hunting season or use lethal control. The State plan, crafted in conjunction with the 12-person Governor's Wolf Advisory Council appointed by Governor Martz, establishes a cushion above that so that FWP could use lethal tools (hunting, trapping, and the lethal control to address livestock conflicts) wherever and whenever necessary.

FWP believes it is important to address livestock conflicts and implement wolf hunting with quotas that are more liberal in areas where we have chronic livestock conflicts or big game concerns. FWP's management flexibility to remove wolves through hunting, to issue kill permits, and to use lethal control becomes more restricted as the number approaches 15. At 15 breeding pairs, there would be no hunting whatsoever, and depredation responses would become increasingly conservative and non-lethal.

The greatest damage of HB471 may be to forestall full state management of wolves in Montana. By mandating a maximum number of breeding pairs, the jeopardy is that the U.S. Fish and Wildlife Service's (USFWS) hands may be tied in terms of a new delisting rule that will survive judicially scrutiny. And, it may also eliminate the potential for a Congressional bill delisting wolves because a bill's political success will depend on ability of the states, including Montana, to demonstrate the capacity to adaptively manage wolves.

Montana's wolf management plan is flexible enough to respond to different needs, yet ensures wolf recovery will be maintained. Any significant change to the plan, including that mandated by this bill, may actually invite the federal government back into wolf management into Montana. Montana's plan and state laws have been reviewed by USFWS and are currently approved, which puts Montana in the best possible position for delisting or maximum management flexibility. If Montana were to change its laws and cap the state population at 15 breeding pairs, USFWS will likely come back and review Montana's framework all over again. If rejected, FWP would no longer be the lead agency and the federal government would make all

the day-to-day decisions. Delisting will not be possible without an acceptable plan. Requiring management to be the bare minimum also provides additional fodder to Plaintiffs who want to see wolves remain on the Endangered Species List.

HB471 has no effect while the wolf is listed, is unnecessary and will hinder state management when the wolf is delisted, and will undermine the efforts of Montana to achieve management. FWP assumes that the purpose of HB471 is to send a message; however, the recipients of the message with the authority over the future of wolf management, the USFWS, the federal Court, and Congress, will have an excuse that Montana is not serious about managing wolves. Our goal has been to keep the maximum pressure on the USFWS, the federal Court, and Congress until Montana has full state management. To accomplish this, Montana must stay the course with its present wolf management plan, statutes, and regulations. HB471 will simply undermine this resolve and will likely forestall state management for the foreseeable future.

FWP opposes HB471 and respectfully asks that you Do Not Pass this bill.